
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that persons have engaged
2 in defrauding tourists by purporting to pick them up in vehicles
3 at popular Waikiki tourist venues and taking them to various
4 tourist sightseeing locations or activities, or transporting
5 them to other business locations. Typically a tourist is picked
6 up shortly ahead of scheduled pickups by a bona fide taxi or
7 tour operator. The tourist at times pays up to twice the amount
8 of travel fare and is sometimes promised refunds that are never
9 received. To make matters worse, some tourists are never picked
10 up for the return trip and are left stranded without
11 transportation back to their lodging accommodation.

12 The legislature further finds that this type of
13 unscrupulous activity by unconscionable people who would prey on
14 tourists casts a bad image on Hawaii and may lead to a downturn
15 in the economy. The legislature also finds that unscrupulous
16 and deceptive activities are conducted by drivers who are not
17 properly certified or licensed and drive vehicles that typically



1 fail to meet the public utilities commission's requirements and
2 other requirements.

3 The purpose of this Act is to create a criminal offense of
4 deception of a consumer in transportation services for hire.

5 SECTION 2. Chapter 708, Hawaii Revised Statutes, is
6 amended by adding a new section to part IV to be appropriately
7 designated and to read as follows:

8 "§708- Deception of a consumer in transportation
9 services for hire. (1) A person commits the offense of
10 deception of a consumer in transportation services for hire if
11 the person for a charge or other compensation transports a
12 consumer other than by a bona fide transportation service.

13 (2) As used in this section:

14 "Bona fide transportation service" means:

15 (a) A licensed taxi cab; or

16 (b) A transportation service that meets the following
17 requirements:

18 (i) The vehicle displays a valid identification
19 number in compliance with section 271-29;

20 (ii) There is an insurance identification card in the
21 vehicle setting forth a description of the
22 vehicle, current effective dates, policy number,



1 name of the insured, and vehicle identification
2 number;

3 (iii) The vehicle is driven by a driver who holds a
4 current valid medical examination certificate, if
5 applicable; and

6 (iv) In the case of a vehicle with a capacity of
7 greater than fifteen passengers, the vehicle is
8 driven by a person who possesses a commercial
9 driver's license with a "P" endorsement as
10 provided in section 286-239(c).

11 "Consumer" means every person, whether or not a resident of
12 this State.

13 (3) Deception of a consumer in transportation services for
14 hire is a misdemeanor.

15 (4) In addition to any other penalties provided by law,
16 the vehicle used in the commission of the offense of deception
17 of a consumer in transportation services for hire shall be:

18 (a) Impounded and the vehicle owner shall be liable for
19 the costs of storage, towing, and other charges
20 incident to seizure of the vehicle or any other cost
21 involved; or



1 (b) Subject to forfeiture under chapter 712A if the
2 vehicle used in the instant offense was used in a
3 previous offense under this section within the thirty-
4 six months immediately preceding the instant offense."

5 SECTION 3. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 4. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Offense of Deception of a Consumer in Transportation Services
for Hire

Description:

Creates the misdemeanor offense of deception of a consumer in
transportation services for hire under certain specified
circumstances. Provides for penalties including impoundment of
vehicle and forfeiture. (SD2)

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not legislation or evidence of legislative intent.*

